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SENATE BILL 118

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO UNFAIR TRADE PRACTICES; PROHIBITING AUTOMATED
DIALING EQUIPMENT FROM DIALING TELEPHONE NUMBERS WHEN THE
CALLED PARTY MAY NOT BE CONNECTED TO THE CALLER; AMENDING A
SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 57-12-22 NMSA 1978 (being Laws 1989,
Chapter 309, Section 2) is amended to read:

"57-12-22. TELEPHONE SOLICITATION SALES--AUTOMATED
TELEPHONE DIALING SYSTEMS FOR SALES RESTRICTED--DISCLOSURE AND
OTHER REQUIREMENTS ESTABLISHED FOR AUTHORIZED TELEPHONE
SOLICITATION SALES.--

A. A person shall not utilize an automated
telephone dialing or push-button or tone-activated address
signaling system with a prerecorded message to solicit persons

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 to purchase goods or services unless there is an existing
2 business relationship between such persons and the person being
3 called consents to hear the prerecorded message.

4 B. It is unlawful under the Unfair Practices Act
5 for ~~[any]~~ a person to ~~[solicit by means of]~~ make a seller-
6 initiated telephone sale ~~[of goods or services]~~:

7 (1) without promptly disclosing the name of
8 the sponsor and the primary purpose ~~[or purposes]~~ of the
9 contact;

10 (2) ~~[in which offers or solicitations in]~~
11 under the guise of research or a survey ~~[are made]~~ when the
12 real intent is to sell goods or services;

13 (3) without disclosing, prior to commitments
14 by customers, the cost of the goods or services, all terms,
15 conditions, payment plans and the amount or existence of any
16 extra charges such as shipping and handling;

17 (4) ~~[which are received]~~ before 9:00 a. m. or
18 after 9:00 p. m. ;

19 (5) using automatic dialing equipment unless
20 the telephone immediately releases the line when the called
21 party disconnects; ~~[and]~~

22 (6) using automatic dialing equipment that
23 dials and engages the telephone numbers of more than one person
24 at a time but allows the possibility of a called person not
25 being connected to the calling person; and

